IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8749 OF 2007

Smt.Geetaben Kanabar .. Petitioner

Versus

Pankaj Brahmabhatt .. Respondent

Smt.J.A.Sarkhot for petitioner

CORAM : S.C.DHARMADHIKARI, J.

DATE : 3rd December 2007

P.C.

. The only relief Ms.Sarkhot prays in this petition is that some time be granted to clear off the arrears and, thereafter, to pay monthly sums as directed. It was brought to the notice

of Ms.Sarkhot that arrears are from October 2000 to 30th September 2007. Licence fees are Rs.5,000/- per month. Ms.Sarkhot states that one months time granted by the trial court by the impugned order has already expired and the amount is still not deposited.

2. These are not satisfactory state of affairs. The petitioner could have very well applied to the trial court for extension and modification of terms, which permit the original plaintiff to withdraw the sums as and when deposited. The petitioner cannot call upon the trial court to modify this direction without depositing the arrears. In such circumstances, all that can be done in this petition is to permit the petitioner to pay arrears on or before 31st January 2008 and also to pay monthly sums as directed. Non compliance with this direction would result in such consequences as are resulting in law. Petition disposed of with the

extension granted.

3. If the amounts are deposited in the trial court, liberty is granted to the petitioner to apply to the trial court for modification of the direction allowing original plaintiff to withdraw the same and such an application, if made, should be considered uninfluenced by the observations in the impugned order and dismissal of this petition. Trial court to then provide for adequate safeguards so that both sides are not prejudiced at the conclusion of proceedings. Petition disposed of accordingly.

(S.C.Dharmadhikari, J)